

UNITED STATES DISTRICT COURT

for the
District of Arizona11/16/17
United States of America)

v.)

Juan German Hernandez-Vera) Case No. 17-580 MS

A208 591 192)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 16, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Juan German Hernandez-Vera, an alien, was found in the United States of America at or near Gila Bend, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 02, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a), and enhanced by (b)(1).

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY : SAUSA Brett A. Day

☒ Continued on the attached sheet.

Complainant's signature

Jimmy X. Cepeda

U.S. Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: November 17, 2017

Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns

United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

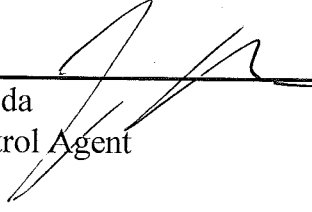
I, Jimmy X. Cepeda, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol Agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 16, 2017, Border Patrol Agent Rene David Meza was performing his assigned duties near Gila Bend, Arizona and encountered Juan German Hernandez-Vera. The Agent identified himself as a Border Patrol Agent and performed an immigration inspection. The agent determined that the subject was a citizen of Mexico unlawfully present in the United States. The subject was taken to the Ajo Border Patrol Station for processing. The individual, later identified as Juan German Hernandez-Vera, was held in administrative custody until his identity could be confirmed and immigration and criminal history could be obtained. All records were obtained on November 16, 2017.
3. Immigration history checks revealed Juan German Hernandez-Vera to be a citizen of Mexico and a previously deported criminal alien. Hernandez-Vera was removed from the United States to Mexico through Nogales, Arizona, on or about May 02, 2017 pursuant to a reinstatement of a prior deport issued by an immigration judge. There is

no record of Juan German Hernandez-Vera in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Hernandez-Vera's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Juan German Hernandez-Vera was convicted of Re-Entry of Removed Alien, a felony offense, on February 3, 2017, in the United States District Court, District of Arizona. Hernandez-Vera was sentenced to time served and one (1) year supervised release. Hernandez-Vera's criminal history was matched to him by electronic fingerprint comparison.
5. On November 16, 2017, Juan German Hernandez-Vera was advised of his constitutional rights. Hernandez-Vera freely and willingly acknowledged his rights but did not agree to provide a statement at this time.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 16, 2017, Juan German Hernandez-Vera, an alien, was found in the United States of America at or near Gila Bend, in Maricopa County, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 02, 2017, and not having obtained the express consent of the Secretary of the Department

of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a), and enhanced by (b)(1).



Jimmy X. Cepeda
U.S. Border Patrol Agent

Sworn to and subscribed before me
this 17th Day of November.



Michelle H. Burns
United States Magistrate Judge